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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDMUND BRYAN,	) Case No.: 07cv7300(SHS)
	)
Plaintiff,	) AMENDED COMPLAINT
vs.	) (DEMAND FOR JURY TRIAL)
	)
MEMORIAL SLOAN-KETTERING CANCER	)
CENTER	)
	)
	)
Defendants.	)

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Plaintiff EDMUND BRYAN alleges:

1. Plaintiff is and was at all times mentioned herein a citizen of the State of New York. Plaintiff is of African descent, Jamaican nationality, male, and at all times mentioned herein was an employee of Defendant MEMORIAL SLOAN-KETTERING CANCER CENTER (MEMORIAL).
2. Defendant, MEMORIAL is a corporation incorporated under the laws of the State of Delaware having its principal place of business in the State of New York.
3. The subject matter jurisdiction of this Court over Defendant MEMORIAL is predicated on Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et.seq.*, which prohibits discrimination in the workplace because of national origin.
4. Plaintiff additionally asserts pendent State claims of national origin and sexual orientation discrimination under New York State

Constitution Article I §11, New York State Executive Law Section 296, *et.seq*, and New York City Administrative Code § 8-107.

5. On or about 2002, Plaintiff filed a complaint alleging employment discrimination with the City of New York Commission on Human Rights ("Commission").
6. On or about June 2006, Plaintiff's complaint was heard before New York City Office of Administrative Trials and Hearings.
7. Throughout the complaint process with the Commission and at all times thereafter, Defendant Memorial continued to retaliate against Plaintiff.
8. Plaintiff filed a timely charge of color discrimination, race discrimination, national origin discrimination, hostile work environment and retaliation with the Equal Employment Opportunity Commission ("EEOC") and has received a right-to-sue letter. Thus, he has exhausted his administrative remedies.
9. On or about October 2006, Plaintiff was exposed to ridicule of his national origin, by his co-workers and supervisors.
10. Since the filings of the complaints with the Commission and the EEOC, the defendant lodged inaccurate performance reviews against Plaintiff and maintained a hostile work environment.
11. On or about January 2007, Plaintiff's co-workers and supervisors ridiculed Plaintiff for his perceived sexual orientation.
12. On or about January 2007, Plaintiff's co-workers and supervisors ridiculed Plaintiff with regard to his national origin.

13. Continuing since the hearing before the Commission, within the State of New York, Defendant MEMORIAL employees, supervisors, and managerial employees, engaged in a pattern of discrimination and disparate treatment based on plaintiff's national origin and perceived sexual orientation which included but is not limited to the following: (a) offensive comments directed towards plaintiff; (b) harassing and disparate treatment as opposed to other employees; and (c) passing over plaintiff for promotions.

14. On or about June 2007 Plaintiff's supervisor held Plaintiff out to ridicule by publicly yelling at and condemning Plaintiff in the presence of co-workers.

15. Defendant MEMORIAL, its employees, supervisors, and managerial agents, have retaliated against plaintiff in violation of 42 U.S.C. §2000e-3(a) by engaging in a course of retaliatory conduct when plaintiff was passed over for promotions after complaining of discriminatory misconduct by his immediate supervisor which retaliation was carried out by the Human Resource Department, and employees of Defendant MEMORIAL acting within the course and scope of their employment and lodging inaccurate performance evaluations against Plaintiff.

16. Defendant MEMORIAL acted with malice and reckless disregard of plaintiff's rights under federal and state laws prohibiting discrimination in the workplace based on national origin, and sexual orientation. Further, Defendant MEMORIAL'S wrongful conduct was carried out and ratified by a managing agent, or a managing agent who had advance knowledge of the wrongful conduct toward plaintiff

and ratified that conduct. As a result of Defendant's conduct, plaintiff is entitled to recover punitive and exemplary damages in an amount commensurate with applicable provisions of federal and state law.

17. Plaintiff hereby demands a trial by jury as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

WHEREFORE, plaintiff prays for judgment against Defendant MEMORIAL as follows:

1. For compensatory damages, including loss of wages, promotional opportunities, benefits and other opportunities, benefits and other opportunities of employment, according to proof;
2. For mental and emotional distress damages;
3. For an award of interest, including prejudgment interest, at the legal rate;
4. Equitable relief directing that plaintiff be promoted to the position of lead technician with full seniority all benefits and rights restored;
5. For an award of prevailing party attorneys fees;
6. For punitive and exemplary damages in an amount sufficient to punish and deter defendant's outrageous conduct;
7. For costs of suit incurred herein, and,

8. For such other and further relief as the court deems just and proper.

DATED: November 8, 2007  
Brooklyn, New York

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDMUND BRYAN,

Plaintiff,

against

MEMORIAL SLOAN-KETTERING CANCER CENTER

Defendant.

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## AMENDED COMPLAINT

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